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June 30, 2014

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From: William T Fujioka
Chief Executive Officer

WASHINGTON, D.C. UPDATE ON THE PREVENTING SEX TRAFFICKING AND STRENGTHENING FAMILIES ACT (H.R. 4980)

This memorandum is to provide the Board with an update on the bipartisan agreement on the Preventing Sex Trafficking and Strengthening Families Act (H.R. 4980), which was announced by the chairs and ranking members of the Senate Finance Committee and House Ways and Means Committee on June 26, 2014. This bill combines and reconciles language from a few bills relating to child sex trafficking, child welfare, and child support which either were passed by the House or reported by the Senate Finance Committee this year. It includes language from the Preventing Sex Trafficking and Improving Opportunities for Youth in Foster Care Act (H.R. 4058) or the Supporting At-Risk Kids Act (S. 1870), reported in the Washington, D.C. update on child sex trafficking, dated May 22, 2014.

Highlights of the Preventing Sex Trafficking and Strengthening Families Act

The Preventing Sex Trafficking and Strengthening Families Act (H.R. 4980) includes language which seeks to prevent, identify, and address sex trafficking of youth in the child welfare system and which also makes other changes to Title IV-E Foster Care that are not directly related to child sex trafficking. For the most part, the bill's sex trafficking provisions impose new IV-E requirements on states, including the following:

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- Develop and implement policies and procedures for identifying, screening, and determining appropriate actions and services for children in the child welfare system who are believed to be victims of sex trafficking or at risk of becoming victims and for providing relevant training for caseworkers. States also are provided a new option to apply these policies and procedures to individuals up to age 26 without regard to whether the individual is or was in foster care;
- Identify and document children in the child welfare system who are victims of sex trafficking or other severe forms of trafficking, and report information on victims of sex trafficking and on missing or abducted children to law enforcement agencies within 24 hours of receiving such information; and
- Develop and implement protocols for locating children who are missing from foster care and determining whether a child had been a possible sex trafficking victim while missing from foster care.

The bill also requires states to annually report the number of children and youth who are sex trafficking victims to the Secretary of Health and Human Services (HHS), who is required to annually report that number to Congress. The HHS Secretary also is required to submit a report to Congress with information on children who run away from foster care and their risk of becoming sex trafficking victims.

In addition, H.R. 4980 requires the HHS Secretary to appoint up to 21 individuals to a newly established National Advisory Committee on the Sex Trafficking of Children and Youth in the United States, which is to advise the HHS Secretary and the Attorney General on how to improve the nation's response to child sex trafficking and to identify and recommend best practices for states to combat child sex trafficking. This Committee is to be established and appointed within two years of the bill's enactment and will sunset five years after the date of its establishment.

The bill also imposes other new IV-E requirements on states that are not directly related to sex trafficking, including requiring states to:

- Implement a "reasonable and prudent parent standard," which provides foster parents with a greater voice in making decisions about a foster child's participation in age-appropriate activities -- a standard that already exists in California;
- Empower foster youth age 14 or older to have a greater voice in the development of their case plans, including through the selection of two individuals to participate in their case planning; and

- Require states to provide a child who is aging out of foster care with a birth certificate, Social Security card, health insurance information, medical records, and a driver's license or state identification card.

H.R. 4980 also eliminates the current option to make Another Planned Permanent Living Arrangement (APPLA) the permanency goal of an abused or neglected child under age 16 when a child welfare agency has documented to the juvenile court that there is a compelling reason why APPLA is in the child's best interest as an alternative to the goals of reunification with parents, adoption, or legal guardianship. Compelling reasons why APPLA (placement in long-term foster care) may be in the child's best interest include that the child has an abusive parent with serious mental health or substance abuse problems, or the child has special needs or problems, such as physical, mental, or emotional disabilities, which make family reunification, adoption, or legal guardianship less beneficial for the child. In addition, APPLA/long-term foster care may be determined to be in the child's best interest when the child has a relative who is willing to care for the child, but not as the child's adoptive parent or legal guardian.

Without APPLA/LTFC as an option, more children would be returned to their parents, placing them at greater risk of abuse. It also would force the Department of Children and Family Services to expend more resources on recruiting adoptive parents and legal guardians for hard-to-place children, such as those with disabilities, and on ensuring that the special needs of children are met after they are placed with adoptive parents or legal guardians.

Legislative Outlook

H.R. 4980 was introduced on June 26, 2014, just before Congress left for its week-long Independence Day recess. The House is expected to pass the bill in July 2014 after it returns from its recess, with the Senate clearing it for the President's signature before Congress leaves for its August recess.

We will continue to keep you advised.

WTF:RA
MR:MT:lm

c: All Department Heads
Legislative Strategist